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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 584 OF 2006

Shamrao Bhau Patil ... Appellant

V/s

Dnyanu Tukaram Patil & ors. ... Respondents

Mr. P.D. Dalvi for the appellant.

Mr. Jayashree Akolkar for the respondent Nos. 1 & 2.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 10TH JULY, 2007.

P.C.:

1. This second appeal does not raise any substantial question of law. The only issue which arises is, whether the document on which the plaintiff has relied on is a mortgage by conditional sale or a sale with the right of repurchase. Both the Courts below have construed and interpreted the document correctly as a deed of sale with a right to repurchase. There is no need to interfere with the concurrent findings of fact of both the Courts below. Both the Courts below have interepreted the suit document correctly. Reliance placed on the judgment of the Supreme Court in **Bihar**

State Financial Corpn. & ors. v/s M/s. Chemicot India Pvt. Ltd. & ors., reported in 2006 (6) Supreme 588, does not support the appellant's case any further since the document has been interpreted rightly.

2. Appeal dismissed.

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